



TOM HORNE
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL

July 27, 2012

The Honorable Ken Bennett
Arizona Secretary of State
Capitol Executive Tower, 7th Floor
1700 West Washington Street
Phoenix, Arizona 85007-2888

Re: Approval of 2012 Ballot Language

Dear Secretary Bennett:

I have reviewed the draft language for the 2012 ballot which was enclosed with your letter to me dated July 6, 2012. I note that the deadlines to certify and/or challenge the citizen initiatives designated by their respective serial numbers (C-03-2012; C-04-2012; and I-16-2012) have not yet expired. Your office submitted proposed ballot language for those initiatives so that there will be no delay if they are certified for the ballot, after any and all court proceedings have been concluded.

I also note that the ballot language forwarded on July 20, 2012 incorporates the changes discussed and agreed upon between us and our respective staff since the date of your first letter to me.

Pursuant to A.R.S. § 19-125(D), I hereby approve the language for the 2012 ballot enclosed with your July 20, 2012 communication. I have attached a copy of that language as confirmation of the approval.

Sincerely,

Tom Horne
Arizona Attorney General

#: 2799486

Proposition 114
PROPOSED AMENDMENT TO THE CONSTITUTION BY
THE LEGISLATURE RELATING TO CRIME VICTIM
PROTECTION FROM LIABILITY FOR DAMAGES
[SCR 1020]

PROTECTS CRIME VICTIMS FROM LIABILITY FOR DAMAGES SUFFERED BY A PERSON WHO WAS INJURED WHILE THAT PERSON COMMITTED OR ATTEMPTED TO COMMIT A FELONY AGAINST THE VICTIM.

A “yes” vote shall have the effect of protecting crime victims from having to pay damages to a person who was injured while that person committed or attempted to commit a felony against the victim.

A “no” vote shall have the effect of keeping current constitutional law related to liability for damages.

Proposition 115
PROPOSED AMENDMENT TO THE CONSTITUTION BY
THE LEGISLATURE RELATING TO THE JUDICIAL
DEPARTMENT
[SCR 1001]

INCREASES TERM LENGTH AND RAISES THE RETIREMENT AGE FOR JUSTICES AND JUDGES; MODIFIES MEMBERSHIP OF COURT APPOINTMENT COMMISSIONS; REQUIRES ARIZONA SUPREME, APPELLATE, AND SUPERIOR COURTS TO PUBLISH DECISIONS ONLINE AND TO TRANSMIT A COPY OF JUDICIAL PERFORMANCE REVIEWS OF EACH JUDGE UP FOR RETENTION TO THE STATE LEGISLATURE.

A “yes” vote shall have the effect of (1) increasing the terms of Arizona Supreme Court justices, Appellate and Superior Court judges to eight years; (2) raising the retirement age for justices and judges from seventy to seventy-five; (3) changing membership of commissions on appellate and trial court appointments and procedures for appointing justices and judges; (4) requiring the Supreme, Appellate, and Superior courts to publish decisions online, (5) requiring the Supreme Court to send a copy of the judicial performance review of each justice and judge who is up for retention to the Legislature, and (6) allowing a joint legislative committee to meet and take testimony on justices and judges up for retention.

A “no” vote shall have the effect of keeping current constitutional law related to the courts.

Proposition 116
PROPOSED AMENDMENT TO THE CONSTITUTION BY
THE LEGISLATURE RELATING TO PROPERTY TAX
EXEMPTIONS
[SCR 1012]

SETS THE AMOUNT EXEMPT FROM ANNUAL TAXES ON BUSINESS EQUIPMENT AND MACHINERY PURCHASED AFTER 2012 TO AN AMOUNT EQUAL TO THE COMBINED EARNINGS OF 50 ARIZONA WORKERS.

A “yes” vote shall have the effect of setting the amount exempt from annual taxes on business equipment and machinery purchased after 2012 to an amount equal to the combined earnings of 50 Arizona workers.

A “no” vote shall have the effect of keeping current constitutional law related to annual taxes on business equipment and machinery.

Proposition 117
PROPOSED AMENDMENT TO THE CONSTITUTION BY
THE LEGISLATURE RELATING TO PROPERTY TAX
ASSESSED VALUATION
[SCR1025]

BEGINNING IN 2014, SETS A LIMIT ON THE ANNUAL PERCENTAGE INCREASE IN PROPERTY VALUES USED TO DETERMINE PROPERTY TAXES TO NO MORE THAN 5% ABOVE THE PREVIOUS YEAR, AND ESTABLISHES A SINGLE LIMITED PROPERTY VALUE AS THE BASIS FOR DETERMINING ALL PROPERTY TAXES ON REAL PROPERTY.

A “yes” vote shall have the effect of setting a limit on the annual percentage increase in property values used to determine property taxes to no more than 5% above the previous year, and establishes a single limited property value as the basis for determining all property taxes on real property, beginning in 2014.

A “no” vote shall have the effect of keeping current constitutional law related to calculating property values and taxes.

Proposition 118
PROPOSED AMENDMENT TO THE CONSTITUTION BY
THE LEGISLATURE RELATING TO THE
ESTABLISHMENT OF PERMANENT FUNDS
[HCR 2056]

CHANGES THE DISTRIBUTION FORMULA FOR THE STATE LAND TRUST PERMANENT ENDOWMENT FUND, WHICH FUNDS VARIOUS PUBLIC INSTITUTIONS, INCLUDING SCHOOLS, TO BE 2.5% OF THE AVERAGE MONTHLY MARKET VALUES OF THE FUND FOR THE IMMEDIATELY PRECEDING FIVE CALENDAR YEARS.

A “yes” vote shall have the effect of changing the distribution formula for the State Land Trust Permanent Endowment Fund, which funds various public institutions, including schools, to be 2.5% of the average monthly market values of the Fund for the immediately preceding five calendar years. The change would affect fiscal years 2013 through 2021.

A “no” vote shall have the effect of keeping current constitutional law related to the distribution formula of the State Land Trust Permanent Endowment Fund.

Proposition 119
PROPOSED AMENDMENT TO THE CONSTITUTION BY
THE LEGISLATURE RELATING TO STATE TRUST
LANDS
[SCR 1001]

AUTHORIZES THE EXCHANGE OF STATE TRUST LANDS IF THE EXCHANGE IS RELATED TO PROTECTING MILITARY FACILITIES OR IMPROVING THE MANAGEMENT OF STATE TRUST LANDS; OUTLINES THE PROCESS FOR EXCHANGES, INCLUDING INDEPENDENT APPRAISALS AND ANALYSES, PUBLIC HEARINGS, AND APPROVAL BY PUBLIC VOTE.

A “yes” vote shall have the effect of authorizing the exchange of state trust lands if the exchange is related to either protecting military facilities or improving the management of state trust lands and prescribes the process for such exchanges. This process includes two independent appraisals and analyses, public hearings, and approval by public vote.

A “no” vote shall have the effect of keeping current constitutional law related to state trust lands.

Proposition 120
PROPOSED AMENDMENT TO THE CONSTITUTION BY
THE LEGISLATURE RELATING TO STATE
SOVEREIGNTY
[HCR 2004]

REPEALS ARIZONA'S DISCLAIMER OF ALL RIGHT AND TITLE TO FEDERAL PUBLIC LANDS WITHIN THE STATE AND DECLARES ARIZONA'S SOVEREIGNTY OVER PUBLIC LANDS AND ALL NATURAL RESOURCES WITHIN ITS BOUNDARIES.

A "yes" vote shall have the effect of repealing Arizona's disclaimer of all right and title to federal public lands within the state and declaring Arizona's sovereignty over public lands and all natural resources within its boundaries. This excludes Indian reservations, lands of the United States, and lands over which jurisdiction has been ceded by the state of Arizona.

A "no" vote shall have the effect of keeping current constitutional law related to public lands and natural resources within Arizona's boundaries.

Proposition _____
PROPOSED AMENDMENT TO THE CONSTITUTION BY
THE INITIATIVE RELATING TO DIRECT PRIMARY
ELECTION LAW
[C-03-2012]

REPLACES THE CURRENT PARTY PRIMARY ELECTION WITH A "TOP-TWO" PRIMARY ELECTION IN WHICH ALL VOTERS, REGARDLESS OF PARTY AFFILIATION, VOTE IN A SINGLE, COMBINED PRIMARY AND THE TOP TWO VOTE-GETTERS FOR EACH SEAT ADVANCE TO THE GENERAL ELECTION BALLOT.

A "yes" vote shall have the effect of replacing the current party primary election with a "top-two" primary election in which all voters, regardless of party affiliation, vote in a single, combined primary, and the top two vote-getters for each seat advance to the general election ballot. This "top-two" primary will not apply to the election of the U.S. President or to elections in which no party affiliation appears on the ballot.

A "no" vote shall have the effect of keeping the current party primary election in which each recognized political party selects a candidate to appear on the general election ballot.

Proposition ____
PROPOSED AMENDMENT TO THE CONSTITUTION BY
THE INITIATIVE RELATING TO THE STATE OF
ARIZONA'S RIGHT TO REJECT FEDERAL ACTIONS
[C-04-2012]

ALLOWS THE PEOPLE OF ARIZONA TO REJECT, BY A VOTE OF THE PEOPLE OR BY APPROVAL OF THE ARIZONA LEGISLATURE AND GOVERNOR, ANY FEDERAL ACTION THEY DETERMINE VIOLATES THE U.S. CONSTITUTION.

A "yes" vote shall have the effect of allowing the people of Arizona to reject, by a vote of the people or by approval of the Arizona Legislature and Governor, any federal action which they determine violates the U.S. Constitution.

A "no" vote shall have the effect of keeping the Arizona Constitution in its current form.

Proposition _____
PROPOSED BY INITIATIVE PETITION RELATING TO
TAXATION.
[I-16-2012]

EFFECTIVE JUNE 1, 2013, PERMANENTLY INCREASES THE STATE SALES TAX BY ONE CENT PER DOLLAR FOR THE PURPOSE OF FUNDING EDUCATIONAL PROGRAMS, PUBLIC TRANSPORTATION INFRASTRUCTURE PROJECTS, AND HUMAN SERVICES; FORBIDS REDUCTIONS TO CURRENT K-12 AND UNIVERSITY FUNDING LEVELS; AND FORBIDS REDUCTIONS TO THE CURRENT STATE SALES TAX BASE.

A “yes” vote shall have the effect of permanently increasing the state sales tax by one cent per dollar, effective June 1, 2013, for the purpose of funding educational programs, public transportation infrastructure projects, and human services. It forbids reductions to current K-12 and university funding levels and forbids reductions to the current state sales tax base.

A “no” vote shall have the effect of not increasing the state sales tax by one cent per one dollar, beginning June 1, 2013.